

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
EVGENI KOPANKOV,
Defendant.

Case No. 19-cr-00178-JSC-1

PRETRIAL ORDER NO. 1

1. Trial Date

Trial is set for May 15, 2023, beginning at 8:30 a.m., in Courtroom 8, 19th Floor, 450 Golden Gate Avenue, San Francisco, California. The Court is expecting the length of trial to not exceed 10 days. The government shall provide all discovery to the defense by March 27, 2023. The parties shall meet and confer and submit a stipulation on or before November 17, 2022 regarding expert discovery deadlines.

2. Jury Questionnaire

The Court intends to utilize an electronic written jury questionnaire. The standard questionnaire is available on the Northern District's website at http://www.cand.uscourts.gov/wp-content/uploads/attorneys/Internet-version_Standard-CAND-Trial_SurveyMonkey_3-2022.pdf. The Court may add an additional 10 case specific questions. The parties shall meet and confer, and to the extent possible, file a joint list of proposed questions to add to the questionnaire. To the extent that the parties cannot agree, they may submit separate proposed questions from which the Court will choose 10. The parties joint or separate submissions are due 21 days before trial. The Court will provide the parties with the survey responses the Friday before trial.

3. Pretrial Conference

A Pretrial Conference is set for April 27, 2023 at 2:00 p.m., in Courtroom 8, 19th Floor, 450 Golden Gate Avenue, San Francisco, California.

The parties shall follow the requirements of Crim. L.R. 17.1-1, as supplemented below:

The government and, to the extent consistent with the defendant's right to an effective defense, the defendant shall do the following at least seven days prior to the Pretrial Conference:

(i) Serve and file a trial memorandum that briefly states the legal bases for the charges and the anticipated evidence, and addresses any evidentiary, procedural, or other anticipated legal issues;

(ii) Serve and file a witness list that includes a brief summary of the testimony of each witness; and

(iii) Serve and file exhibit lists and serve copies of all marked exhibits on all parties, as discussed in section 6, below.

(iv) Meet and confer and be prepared to discuss with the Court at the Pretrial Conference any anticipated evidentiary objections and any means for shortening and simplifying the trial (by stipulating to such matters as chain of custody, nature of substances, use of the mails, etc.).

4. Motions In Limine

Any party wishing to have motions in limine heard prior to the commencement of trial must file and serve same no later than 14 days prior to the date set for the Pretrial Conference. All motions in limine shall be contained in one document, limited to 25 pages and prepared in accordance with Civil L.R. 7-2(b), with each motion listed as a subheading. Opposition to the motions in limine shall be contained in one document, limited to 25 pages, with corresponding subheadings, and shall be filed and served no later than 7 days prior to the Pretrial Conference. No reply papers will be considered. The motions will be heard at the Pretrial Conference or at such other time as the Court may direct.

5. Jury Instructions

a. Joint Set of Instructions. The parties shall jointly prepare a set of jury instructions,

1 and shall file the proposed instructions at least 7 days prior to the Pretrial Conference. The
2 submission shall contain both agreed-upon instructions (which shall be so noted), and contested
3 instructions, all in the order in which they should be read to the jury. Where contested instructions
4 are included, they should be annotated both with the proponent's authority for seeking the
5 instruction and the opponent's reason for opposition.

6 b. Substance and Format of Instructions. The instructions shall cover all substantive
7 issues and other points not covered by the Ninth Circuit Manual of Model Jury Instructions. Each
8 requested instruction shall be typed in full on a separate page and citations to the authorities upon
9 which the instruction is based shall be included. Instructions shall be brief, clear, written in plain
10 English, and free of argument. Pattern or form instructions shall be revised to address the
11 particular facts and issues of this case.

12 c. Preliminary Statement and Instructions. If the parties wish to have a preliminary
13 statement read to the jury, and/or preliminary instructions given to the jury, they shall jointly
14 prepare and file the text of the proposed preliminary statement and/or preliminary instructions at
15 least seven days prior to the Pretrial Conference.

16 **6. Exhibits**

17 a. Provide Copies of Exhibits to Other Parties. The government and, to the extent
18 consistent with the defendant's right to an effective defense, the defendant shall provide every
19 other party with one set of all proposed exhibits, charts, schedules, summaries, diagrams, and
20 other similar documentary materials to be used in its case in chief at trial, together with a complete
21 list of all such proposed exhibits, at least 14 days prior to the Pretrial Conference. Voluminous
22 exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries.
23 Each item shall be pre-marked with a trial exhibit sticker ("Trial Exhibit No. __") label;
24 defendant's exhibit numbers shall be sequenced to begin after plaintiff's exhibit numbers. If there
25 are numerous exhibits, they should be provided in three-ring binders with marked tab separators.
26 All exhibits that have not been provided as required are subject to exclusion.

27 b. Stipulations re Admissibility. At least 7 days prior to the Pretrial Conference, the
28 parties shall make a good faith effort to stipulate to exhibits' admissibility. If stipulation is not

possible, the parties shall make every effort to stipulate to authenticity and foundation absent a legitimate objection.

c. Objections to Exhibits. In addition to the exhibit list, counsel shall confer with respect to any other objections to exhibits in advance of the Pretrial Conference. Each party shall file a statement briefly identifying each item objected to, the grounds for the objection, and the position of the offering party at least seven days prior to the date set for the Pretrial Conference.

d. Provide Copies of Exhibits to Court. One set of exhibits shall be provided to the Court in Chambers on the Friday prior to the trial date, in binders, marked, tabbed, and indexed in accordance with Local Rule 16-10(b)(7). Exhibits shall be identified as follows:

<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>TRIAL EXHIBIT 100</p> <p>Case No. _____</p> <p>Date Entered _____</p> <p>By _____ Deputy Clerk</p>
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Counsel preferably will create the tag in a color that will stand out (yet still allow for photocopying), but that is not essential. Place the tag on or near the lower right-hand corner or, if a photograph, on the back. Counsel should complete the tag but leave the last two spaces blank. The parties must jointly prepare a single set of all trial exhibits that will be the official record set to be used with the witnesses and on appeal. Each exhibit must be tagged, three-hole-punched, separated with a label divider identifying the exhibit number, and placed in 3-ring binders. Spine labels should indicate the numbers of the exhibits that are in the binders. Each set of exhibit binders should be marked as "Original." Deposit the exhibits with the deputy clerk seven (7) days before the Pretrial Conference.

e. Witness Binders. If all of the exhibits in a case do not fit in one binder, then the

parties shall prepare a witness binder for each witness that will testify regarding three or more exhibits.

f. Disposition of Exhibits after Trial. Upon the conclusion of the trial, each party shall retain its exhibits through the appellate process. It is each party's responsibility to make arrangements with the Clerk of Court to file the record on appeal.

7. Other Pretrial Matters

a. Status Conferences. Any party desiring to confer with the Court may, upon notice to all other parties, arrange a conference through the Courtroom Deputy, Ada Means at jsccrd@cand.uscourts.gov.

b. Daily Transcripts. Should a daily transcript and/or realtime reporting be desired, the parties shall make arrangements with Rick Duvall, Court Reporter Supervisor, at 415-522-2079 or Richard_Duvall@cand.uscourts.gov, at least 7 calendar days prior to the trial date.

8. Trial Matters

a. The normal trial schedule will be from 8:30 a.m. to 3:00 p.m. (or slightly longer to finish a witness) with two fifteen minute breaks and a 45 minute lunch break, but the parties are encouraged to discuss a different trial schedule at the Pretrial Conference if they deem appropriate. Trial is usually held Monday through Friday.

b. Parties must meet and confer to exchange any visuals, graphics or exhibits to be used in opening statements. Unless otherwise agreed, the exchange must occur no later than Wednesday before the trial. Any objections not resolved must be filed in writing by Thursday before trial. The parties shall be available by video Friday before trial to discuss the issue raised with the Court.

c. The parties shall disclose the witnesses whom they will call at trial on any given day by at least 2:00 p.m. the court day before their testimony is expected. Failure to have a witness ready to proceed at trial will usually constitute resting.

d. Other than a party or party representative, fact witnesses are excluded from the courtroom until they are called to testify, and may not attend in the gallery until their testimony is complete.

e. The Court does not typically allow bench conferences. If there are matters that need to be raised with the Court outside the presence of the jury, the parties should raise them in the morning before trial or during recess. The Court is available at 8:00 a.m. on each trial day to address issues that need to be raised outside the presence of the jury.

9. Miscellaneous

a. Copies. One copy of the witness and exhibit lists should be furnished to the court reporter.

b. Change of Plea. Counsel shall give prompt notice to the United States Attorney and to the Court of any intention to change a previously entered not guilty plea.

IT IS SO ORDERED.

Dated: October 24, 2022


JACQUELINE SCOTT CORLEY
United States District Judge